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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 96-98
Implementation of the Local	)	
Competition Provisions of the	)	
Telecommunications Act of 1996	)	

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OPPOSITION TO AND COMMENTS ON PETITIONS FOR RECONSIDERATION AND/OR CLARIFICATION

GTE Service Corporation, on behalf of its affiliated domestic telephone operating and wireless companies

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List A B C D E

TABLE OF CONTENTS

Page

SUMMARY

In attempting to fulfill its obligation to design a regulatory framework that meets the goals of competition and deregulation as articulated in the Telecommunications Act of 1996 ("1996 Act"), the Commission, in the *Second Report and Order*, established a host of rules to govern the following areas -- dialing parity, nondiscriminatory access to network services, network information disclosure, and numbering administration. To complete the immense task before it and to ensure compliance with the letter and spirit of the 1996 Act, GTE urges the Commission to take the following actions in response to certain parties' requests.

First, the Commission should resist attempts to accelerate the implementation schedule for toll dialing parity. The current schedule mandated by the Commission is already aggressive. In addition, given the current efforts of local exchange carriers ("LECs") to move forward to comply with the Commission's schedule, there is no need to disrupt LECs' investment and construction plans or to interfere with state-approved schedules.

Second, as a corollary to leaving the schedule unchanged, the Commission also should clarify the factors it will consider in deciding whether to grant an extension of the dialing parity implementation deadline. Valid considerations might include the increased costs associated with accelerating the timing of switch upgrades and change-outs; the availability of equipment and

human resources; the increased risk of network failure; and compliance with state-imposed implementation schedules.

Third, GTE supports clarification that the prohibition on the automatic assignment of intraLATA toll customers applies only to new subscribers. As written, the regulation adopted by the Commission is unclear and could be construed to conflict with the Commission's rejection of balloting. In addition, application of the restriction to existing subscribers could lead to customer anger and confusion associated with the use of access codes. Thus, to avoid any ambiguity, the Commission should clarify that the automatic assignment prohibition applies to new subscribers only.

Fourth, the rules governing access to directory listings, operator services, and directory assistance services require clarification. Specifically, the Commission should state that the 1996 Act's requirement of nondiscriminatory access to directory listings does not obligate incumbent LECs to provide their competitors with access to customer guides and informational pages. The Commission also should reconsider its rule requiring LECs to provide access to "adjunct" operator and directory assistance services. This requirement not only exceeds the scope of the 1996 Act, but also threatens to impinge on the property rights of third parties and to undermine innovation and creativity.

Fifth, the Commission should reject petitions seeking to impose further national number administration requirements. Given the comprehensive framework of the 1996 Act, the *Ameritech Order*, the *North American*

Numbering Plan, and certain aspects of the instant *Second Report and Order*, there is no need to further constrain LECs and the states as they address critical number exhaust problems. Accordingly, the Commission should reject requests seeking to: (1) grant competitors unlimited access to NXXs when an area code overlay is implemented; and (2) precondition overlays on the implementation of permanent number portability. States, the Industry Numbering Committee, and the North American Numbering Council are the appropriate bodies to address such numbering administration issues.

Sixth, the Commission should reconsider the mechanism designed to recover the costs of number administration. The Commission's standard of gross revenues less expenses paid to telecommunications carriers is contrary to competitive neutrality. A more appropriate method of recovering number administration costs is to impose an explicit, uniform surcharge on total retail revenues.

Finally, the Commission should reconsider certain aspects of its network information notice and disclosure requirements. The expansive obligations originally adopted should be scaled back to conform with the generally acceptable reporting and notification scheme established in the *Computer Inquiry* proceedings. In addition, to ensure regulatory parity, competitive neutrality, and innovation, all telecommunications carriers, not just incumbent LECs, must be required to provide public notice of technical changes to their networks.

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OPPOSITION TO AND COMMENTS ON PETITIONS FOR RECONSIDERATION AND/OR CLARIFICATION

GTE Service Corporation ("GTE"), by its attorneys, and on behalf of its affiliated domestic telephone operating and wireless companies, respectfully submits its opposition to, and comments on, certain petitions for reconsideration and/or clarification of the Commission's *Second Report and Order* in the above-captioned proceeding.[1] As explained below, GTE:

- opposes requests to accelerate the implementation schedule for toll dialing parity both generally and in multi-state LATAs;
- supports clarification of the standards for waiver of those implementation deadlines and the prohibition against automatic assignment of new customers;
- supports clarification of the operator and directory assistance rules to better protect proprietary information;
- opposes the imposition of further restrictions on the use of area code overlays and the recovery of numbering administration costs; and

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[1] *Second Report and Order and Memorandum Opinion and Order*, FCC 96-333 (released Aug. 8, 1996) ("*Second Report and Order*"). *See* Report No. 2160, 61 Fed. Reg. 56957 (Nov. 5, 1996).

- supports reconsideration of the Commission's information disclosure requirements to conform to existing practices and to extend such requirements to all telecommunications carriers, not just incumbent local exchange carriers ("LECs").

I. THE COMMISSION SHOULD REJECT REQUESTS TO ACCELERATE THE DIALING PARITY IMPLEMENTATION SCHEDULE

The Commission has already established an ambitious schedule for the implementation of full 2-PIC presubscription for toll dialing parity. Non-BOC LECs that are either already offering in-region, interLATA or in-region, interstate toll services, or who plan to begin providing such services before August 8, 1997, must implement toll dialing parity by that date. All LECs, including the BOCs, must implement dialing parity by February 8, 1999.[2] GTE is unique in that it operates in 28 states and must receive approval of its plans from each state's public service commission. GTE's efforts to meet the Commission's aggressive deadlines are already imposing substantial burdens on the company, and it is unlikely that GTE will be able to meet this schedule.

Nonetheless, AT&T would have the Commission mandate immediate implementation of toll dialing parity[3] -- an outcome that would not merely be burdensome, but operationally impossible. AT&T recognizes, as did Congress and the Commission, that toll dialing parity cannot be implemented overnight.

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[2] *Second Report and Order* ¶ 7.

[3] AT&T Petition for Limited Reconsideration and Clarification at 2-5 ("AT&T Petition").

Thus, its arguments regarding the appropriate interpretation of Section 252(b)(3) of the 1996 Act are so much sophistry. The Commission appropriately rejected AT&T's proposed January 1, 1997 implementation date in the *Second Report and Order* based on the record before it,[4] and that determination should not be reconsidered here.

In fact, GTE's wireline telephone operating units have already taken aggressive steps to implement full 2-PIC presubscription throughout their serving territories. Further, the majority of states in which GTE operates either have completed or have active, ongoing proceedings addressing intraLATA equal access requirements. Thus, in every state where it is technologically and economically feasible, GTE's wireline telephone operating companies are moving to implement 1+/0+ intraLATA presubscription using a full 2-PIC methodology.

By the August 8, 1997 deadline, GTE plans to have completed the conversion of 3675 of its 3959 central offices, representing 98 percent of its total lines. The remaining 2 percent of lines are located in small exchanges, and GTE has had to balance the speed of switch replacements with human and capital resources as well as with state commission requirements. Those offices that remain to be converted after August 8, 1997 will require that the switch be replaced with digital technology to provide the 2-PIC functionality. As the

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[4] *See Second Report and Order* ¶¶ 56, 61.

Commission is well aware, between nine months and two years is required from the date of ordering such switches to the completion of installation.[5] GTE is currently utilizing all of its available resources to install in excess of 150 switches in 1997. To accelerate the remaining 197 switches into the next ten months is impossible due to the sheer volume of activities associated with scheduling and installation. Our schedules also must be designed to meet state commission requirements for customer education and notification.

For similar reasons, the Commission should reject MCI's proposal to "clarify" Section 51.209 of the Rules to require LECs operating in multi-state LATAs to provide dialing parity across state lines where it has been ordered in either state.[6] Multi-state LATAs were typically configured to account for the fact that telephone subscribers and/or local switches in one state may be "homed" on a switching hierarchy in an adjacent state.[7] Thus, from a technological perspective, it may be necessary to coordinate dialing parity implementation for subscribers in that first state with the conversion of the switches in the adjacent state from which they are served. But, it may also be necessary to conform the conversion of those subscribers to the regulatory requirements of the state in which they reside. GTE submits that the conversion of the customers of a given

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[5] *First Report and Order*, FCC 96-325 (released Aug. 8, 1996), ¶ 411.

[6] *See* MCI Petition for Clarification or, in the Alternative, Reconsideration at 3 ("MCI Petition").

[7] *United States v. Western Elec. Co.*, 569 F. Supp. 990, 1001-1002 n.54 (D.C. Cir. 1983).

state should be converted under that state's approved implementation plan to avoid unnecessary regulatory conflicts and to permit the efficient implementation of dialing parity at the lowest cost to the public.

The Commission also should clarify the factors it will consider in granting an extension of the August 8, 1997 deadline as requested by GTE.[8] GTE has explained that factors beyond the control of a LEC may threaten compliance with the agency's deadline. These factors include unreasonably increased costs, the unavailability of equipment and/or human resources; and the increased risk of network failure. As discussed above, it follows that any expedited schedules such as those proposed by AT&T and MCI would only aggravate the problem by disrupting investment and construction plans and interfering with state implementation schedules. BellSouth agrees and similarly urges that waivers be granted when a LEC is unable to implement the prescribed 2-PIC presubscription methodology due to events or factors beyond its reasonable control.[9] Accordingly, GTE reiterates that the Commission should state its willingness to grant and clarify the criteria necessary to obtain waivers of the August 8, 1997 deadline for implementation of toll dialing parity.

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[8] GTE Petition for Clarification at 8-9 ("GTE Petition").

[9] BellSouth Petition at 1-4.

II. COMMENTERS AGREE THAT THE COMMISSION SHOULD CLARIFY THAT THE PROHIBITION ON THE AUTOMATIC ASSIGNMENT OF INTRALATA TOLL TRAFFIC APPLIES ONLY TO NEW CUSTOMERS

A number of parties ask the Commission to clarify that the prohibition on the automatic assignment of intraLATA toll traffic applies only to new subscribers, not preexisting customers.[10] As GTE points out in its Petition, Section 51.209(c),[11] which precludes a LEC from automatically assigning an existing customer's intraLATA toll traffic to itself, is unclear as written, and, if interpreted to preclude the automatic default of existing customers who have not opted to change their toll service provider, would conflict with the Commission's rejection of balloting.[12] Such a restriction also would lead to customer anger and confusion associated with the use of access codes. Indeed, requiring an existing subscriber to dial an access code to place an intraLATA toll call would "constitute a degradation of the service to which the 'existing' customer

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[10] *See, e.g.*, GTE Petition at 4-7; SBC Petition for Reconsideration at 2-6 ("SBC Petition"); United States Telephone Association Petition for Reconsideration and Clarification at 7-8 ("USTA Petition"). *See also* NYNEX Petition for Reconsideration and/or Clarification at 5-7 ("NYNEX Petition").

[11] Section 51.209(c) provides as follows: "A LEC may not assign automatically a customer's intraLATA toll traffic to itself, to its subsidiaries or affiliates, to the customer's presubscribed interLATA or interstate toll carrier, or to any other carrier, except when, in a state that already has implemented intrastate, intraLATA toll dialing parity, the subscriber has selected the same presubscribed carrier for both intraLATA and interLATA toll calls." *Second Report and Order*, Appendix B-3 (to be codified at 47 C.F.R. § 51.209(c)).

[12] The Commission concludes that balloting should be left to the discretion of the states. *Second Report and Order* ¶ 80.

subscribed."[13] The Commission could not possibly have intended such a result. Accordingly, to avoid the pitfalls described above, the Commission should clarify that the prohibition on the automatic assignment of intraLATA toll traffic applies only to new customers.

III. THE COMMISSION SHOULD CLARIFY THAT NONDISCRIMINATORY ACCESS TO OPERATOR SERVICES, DIRECTORY ASSISTANCE, AND DIRECTORY LISTINGS DOES NOT INCLUDE ACCESS TO PROPRIETARY INFORMATION

A. Nondiscriminatory Access to Directory Listings Does Not Include Access To Incumbent LECs' Customer Guides And Informational Pages

In its Petition, NYNEX seeks clarification that incumbent LECs are required to provide non-discriminatory access to their White Pages listings only.[14] GTE believes that the 1996 Act is clear that incumbent LECs must provide its competitors only with nondiscriminatory access to "White [P]ages directory listings . . . ."[15] Nonetheless, the Commission's statements in the *Second Report and Order* "that there is no need . . . to state that the term 'directory assistance and directory listings' includes the White Pages, Yellow Pages, 'customer guides,' and informational pages,"[16] but that "[a]s a minimum

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[13] SBC Petition at 4.

[14] NYNEX Petition at 8.

[15] 47 U.S.C. § 271(c)(2)(B)(viii).

[16] *Second Report and Order* ¶ 137.

standard," the term "directory listing" is synonymous with the definition of "subscriber list information" in Section 222(f)(3),[17] require further clarification.

The Commission's use of the phrase "[a]s a minimum" is misleading in this context. This language suggests that incumbents might be required to provide additional information beyond the minimum White Pages listing.[18] However, there is no basis for this suggestion in the 1996 Act or elsewhere. In particular, there is absolutely no support for the proposition that nondiscriminatory access to listings must also include access to customer guides, informational pages, or other wholly unregulated elements of directories. In order to eliminate any confusion, the Commission should clarify here that incumbent LECs are not required to provide their competitors with access to customer guides and informational pages.

B. Nondiscriminatory Access Does Not Include Access To Proprietary Information

In the *Second Report and Order*, the Commission requires LECs to make available to competing providers any "adjunct" operator or directory assistance services that are not "telecommunications services" subject to the resale requirements of Section 251(b)(1).[19] Specifically, under the rules, LECs must

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[17] *Id.*

[18] NYNEX Petition at 8.

[19] *Second Report and Order* ¶ 13; Appendix B-8 (to be codified at 47 C.F.R. § 51.217(c)(iv)).

provide access to adjunct features such as customer information databases.[20] This requirement not only exceeds the scope of the 1996 Act, but also raises critical proprietary and competitive concerns.

According to the plain language of the statute, an incumbent LEC must provide "nondiscriminatory access to . . . operator services, directory assistance, and directory listing . . . " only.[21] The 1996 Act is silent on access to "adjunct services." As SBC points out, access to adjuncts raises a host of issues not presented by the items enumerated in the 1996 Act.[22] These "adjuncts" should not be uncritically subjected to any broad access requirement without a full exploration of such considerations.

Foremost among the additional issues presented by access to adjuncts is the potential impact on the proprietary rights of incumbents and third parties. As SBC demonstrates, both operator and directory assistance services typically use software and other equipment licensed to LECs by third parties.[23] To the extent that these features are only licensed to the LEC, the LEC lacks the legal authority to provide access to its competitors. Neither the Commission nor the LEC can supersede the property rights of owners by compelling access to third parties.

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[20] Id.

[21] 47 U.S.C. § 251(b)(3).

[22] SBC Petition at 11-14.

[23] *Id.*

Further, where the 1996 Act contemplates access to other proprietary elements, Congress established a rigorous requirement of "necessity" before access could be ordered. Section 251(d)(2) orders the Commission, in determining the network elements that should be made available, to consider, at a minimum, whether "access to such network elements *as are proprietary in nature is necessary.*"[24] No analogous provision exists to suggest that Congress intended to empower the Commission to require access to proprietary information in the context of operator and directory assistance services. Had Congress so intended, it can confidently be assumed that this legislative body would have identified a similar standard by which to determine the propriety of access.

Besides the proprietary considerations, requiring LECs to make available all of the features associated with their operator and directory assistance services is anti-competitive. Incumbent LECs have invested substantial time, capital, and human resources to develop quality products. Requiring them to make these features available would undermine the incentive to develop new products, thereby stifling competition and technological advances. If competing LECs desire to provide such features, they are free to develop their own operator and directory assistance services.

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[24] 47 U.S.C. § 251(d)(2)(A) (emphasis added).

In light of the foregoing, the Commission should narrow its reading of the access requirement to specify that incumbent LECs must offer nondiscriminatory access to operator and directory assistance services without associated adjunct features. This approach strikes a reasonable balance by providing competing LECs and their customers with access, while not disadvantaging or overburdening incumbents.

IV. PETITIONS SEEKING ADDITIONAL FEDERAL RULES GOVERNING NUMBER ADMINISTRATION SHOULD BE REJECTED

There is no need for the Commission to impose further restrictions on a state's ability to resolve matters regarding number administration. A comprehensive framework is in place to address all facets of number administration. That extensive framework includes the 1996 Act, the *Ameritech Order*,[25] the *North American Numbering Plan Order*,[26] and the instant *Second Report and Order*. Accordingly, the Commission should reject petitions seeking to impose additional number administration requirements.

In particular, the Commission should resist parties' efforts to hamstring the states and LECs in moving forward with critical number administration tasks. For instance, AT&T and Teleport ask the Commission to mandate that CLECs

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[25] *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, 10 FCC Rcd 4596 (1995) ("Ameritech Order").

[26] *Administration of the North American Numbering Plan*, 11 FCC Rcd 2588 (1995) ("*NANP Order*").

have unlimited access to NXXs when an area code overlay is implemented.[27] Under the Commission's Rules, a LEC must assign to every telecommunications carrier at least one NXX code in the existing area code during the 90-day period preceding an overlay.[28]

The Commission's requirement is already extremely burdensome and inefficient. As NYNEX discusses, the "one-code-per-carrier" policy will work against code conservation and either prevent timely NPA relief or cause early NPA exhaust.[29] Providing an NXX to all providers, even those existing companies that already have NXXs within the exhausting NPA, would be an inefficient use of numbering resources.[30] To encourage the efficient use these scarce resources, the Commission should not only refuse to expand the code assignment requirement as proposed by AT&T, but should eliminate completely the "one-code-per-carrier" rule.[31]

The Commission also should reject petitions requesting the implementation of permanent number portability by incumbent LECs before an

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[27] AT&T Petition at 7; Teleport Communications Group Inc. at 7 ("Teleport Petition").

[28] *Second Report and Order*, Appendix B-22 (to be codified at 47 C.F.R. § 52.19(c)((3)(iii)).

[29] NYNEX Petition at 11.

[30] BellSouth Petition at 8-9; SBC Petition at 27.

[31] *See, e.g.*, NYNEX at Petition at 11; USTA Petition at 9-11.

area code overlay may be permitted.[32] In the *Second Report and Order*, the Commission properly declined to impose such a requirement.[33] Neither the 1996 Act, the principles in the *Ameritech Order*, nor the *NANP Order* mandate long-term number portability as a prerequisite for an area code overlay. Moreover, given the fact that permanent number portability is not yet technically feasible, commanding its implementation before an overlay could be used would essentially eliminate overlays as a source of NPA relief. Such a result would be contrary to the goals of number administration, especially during a time when many states are facing critical number exhaust.

The states, LECs, and the Industry Numbering Committee along with the North American Numbering Council, are working diligently to address area code relief. The Commission should not disrupt these plans by imposing additional constraints. Rather, the Commission should continue to allow the states, in conjunction with the neutral numbering committees, to choose the appropriate relief plans based on the Commission's set of established principles.

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[32] *See* AT&T Petition at 8-9; Cox Communications, Inc. Petition for Reconsideration at 5-7 ("Cox Petition").

[33] *Second Report and Order* ¶ 290.

V. THE COSTS OF NUMBER ADMINISTRATION SHOULD BE RECOVERED THROUGH AN EXPLICIT, UNIFORM SURCHARGE ON RETAIL REVENUES

GTE supports those petitioners who have demonstrated that the cost recovery mechanism adopted in the *Second Report and Order* is not competitively neutral.[34] The Commission's mechanism requires: (1) that telecommunications carriers contribute to the costs of establishing number administration; and (2) that such contributions be based only on each contributor's gross revenues from its provision of telecommunications services. Expenses for all telecommunications services that have been paid to other telecommunications carriers must be subtracted from gross telecommunications services revenues.[35]

This approach is antithetical to competitive neutrality. The Commission's net revenues standard places a disproportionate share of the costs on incumbent LECs.[36] To combat this competitive inequity, NYNEX proposes that number administration costs be recovered through an explicit, uniform surcharge

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[34] *See, e.g.*, BellSouth Petition at 7; NYNEX Petition at 2-5; SBC Petition at 19-20.

[35] *Second Report and Order* ¶ 342-43.

[36] BellSouth Petition at 7; NYNEX Petition at 3-4.

on total interstate and intrastate retail revenues of the carrier.[37] BellSouth similarly asks the Commission to adopt a retail revenues standard.[38]

An explicit uniform charge will ensure that all telecommunications carriers bear their fair share of the costs of number administration. Moreover, this mechanism is fully consistent with the Commission's conclusion that "any incumbent LEC charging competing carriers for the assignment of CO codes may only do so if the incumbent LEC charges one uniform fee for all carriers, including itself or its affiliate."[39] Notably, GTE and a number of other commenters advocated the use of a single uniform surcharge on all retail transactions to fund the universal service fund.[40] Given that the goals of "fairness, simplicity, and efficiency"[41] are just as applicable as in the universal service context, the Commission should adopt a cost recovery scheme that imposes an explicit, uniform surcharge on retail revenues.

GTE opposes AT&T's proposal to limit recovery of number administration costs to the forward-looking costs that would be borne by a neutral third-party acting as a number administrator.[42] AT&T suggests that the "[c]osts incurred

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[37] NYNEX Petition at 3.

[38] BellSouth Petition at 7.

[39] *Second Report and Order* ¶ 332.

[40] *See* NYNEX Petition at 5 n.11 (citations omitted).

[41] NYNEX Petition at 5.

[42] *See* AT&T Petition at 11.

by an ILEC in order to route traffic to or from a new NXX code to serve its own customers are not expenses incurred by virtue of its duties as Numbering Administrator; rather, they are costs that must be borne by every carrier that interconnects with the LEC to whom the new NXX is assigned . . . ."[43]

GTE does not charge other carriers for the hardware and software required to open a new NXX. The only charge made is to cover the administrative costs of adding new capacity. Recovery of the incumbent LECs' actual costs is appropriate and equitable.

AT&T also asks the Commission to require incumbent LECs to charge themselves retroactively for opening NXX codes.[44] In fact, incumbents have already borne such costs to the extent required. No further adjustments or charge backs are required.

VI. THE COMMISSION SHOULD RECONSIDER CERTAIN ASPECTS OF ITS INFORMATION DISCLOSURE OBLIGATIONS

A. The Commission Should Narrow The Types Of Information Subject To The Disclosure Requirement

GTE supports NYNEX's recommendation that the Commission narrow its public notice and disclosure requirements.[45] In the *Second Report and Order*, the Commission offers several examples of network changes that would trigger

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[43] *Id.*

[44] *Id.* at 11-12.

[45] *See* NYNEX Petition at 9-10.

public disclosure obligations including, but not limited to, changes that affect: "transmission; signalling standards; call routing; network configuration; logical elements; electronic interfaces; data elements; and transactions that support ordering, provisioning, maintenance and billing."[46] GTE submits that these obligations are overly intrusive and go beyond the 1996 Act's goal of ensuring that networks and their subscribers can continue to connect for the transmission of communications.

The Commission's prior rules and policies regarding notice and disclosure are sufficient for application in the interconnection context. As GTE expressed in its initial comments,[47] the Commission should adopt the approach taken in the *Computer III* proceeding, in which the FCC determined that the network information subject to disclosure did not include all network innovations made by carriers or all the technical characteristics of basic transmission service.[48] There, the information subject to disclosure was limited to "network changes or new basic services that affect the interconnection of enhanced services with the network."[49] The same approach should be taken here. There is no need to establish a laundry list of obligations. Placing overly broad notice and

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[46] *Second Report and Order* ¶ 182.

[47] Comments of GTE at 6, CC Docket 96-98, filed May 20, 1996.

[48] *See Amendment to Sections 64.702 of the Commission's Rules and Regulations (Computer III), Phase II,* 2 FCC Rcd 3072, 3087 (1987).

[49] *Id.*

disclosure requirements on LECs will burden these carriers and impinge on the development of new products and services.

Accordingly, the Commission should more narrowly define the notice and disclosure obligations by relying on the traditional reporting scheme. The existing framework not only ensures the free flow of information necessary to secure workable interconnection options for new entrants, but also promotes competition in local markets as envisioned by Congress. Thus, the existing notification framework for network interconnection disclosure as detailed in the *Computer Inquiry* proceedings is sufficient for achieving and maintaining efficient interconnection.

B. The Commission Should Require All Telecommunications Carriers, Not Just Incumbent LECs, To Provide Notice Of Technical Changes

GTE joins NYNEX and SBC in asserting that the Commission erred by imposing network information notice and disclosure obligations only upon incumbent LECs.[50] Although these parties do not dispute that Section 251(c)(5) applies only to incumbent LECs,[51] the Commission possesses the authority to mandate that *all* telecommunications carriers -- LECs, CLECs, and IXCs -- provide public notice and disclosure of network changes. The public interest clearly requires such an extension.

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[50] *See, e.g.*, NYNEX Petition at 8-9; SBC Petition at 15-16.

[51] *See, e.g.*, NYNEX Petition at 8; SBC Petition at 15.

According to NYNEX and SBC, the Commission derives that authority from Sections 251(a) and 256 of the 1996 Act. Section 251(a) provides in part: "Each telecommunications carrier has the duty . . . not to install network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to section 255 or 256."[52] Section 256(b) requires the Commission to establish procedures to oversee "coordinated network planning by telecommunications carriers and other providers of telecommunications services for the effective and efficient interconnection of public telecommunications networks . . . ."[53] These two provisions confer broad authority upon the Commission to require all carriers, not just incumbent LECs, to provide public notice of network changes.[54]

Furthermore, subjecting all telecommunications carriers to the notice and disclosure obligations is a reasonable and equitable approach for a number of reasons. First, as discussed above, the 1996 Act authorizes the Commission to mandate such a requirement. Second, an evenhanded approach is consistent with the traditional notice requirements. The Commission has long had in effect several disclosure obligations, including the "All Carrier Rule," Part 64

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[52] 47 U.S.C. § 251(a)(2).

[53] 47 U.S.C. § 256(b)(1).

[54] As SBC points out, the Commission's intention to address carrier and Commission obligations under Section 256 in a separate proceeding does not preclude the Commission from imposing public disclosure requirements on all telecommunications carriers in the instant proceeding. SBC Petition at 16.